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| 61060 7590 07/16/2007 WINSTEAD SECHREST & MINICK P.C. P.O. BOX 50784 DALLAS, TX 75201 | | | EXAMINER GLASS, RUSSELL S | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/056,180

Applicant(s)

LESTER ET AL.

Examiner

Russell S. Glass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-4, 6, 8-11, 13, 15-17, 19, 20 are rejected under 35 U.S.C. 103(a) as being anticipated by Luchs et al., (U.S. 4,831,526) in view of Bauer et al., (U.S. Pub. 2002/0116228).**
2. As per claim 1, Luchs discloses a method for conducting a financial transaction, wherein said financial transaction is buying and selling an insurance policy, comprising:

making an application, via a website accessed from a global communications network for acquisition of a financial product that requires activation to become effective, (Luchs, Fig. 2C; col. 2, line 21-col. 4, line 59) (disclosing an insurance policy product requiring issuance to be effective);

following approval of said application, activating said financial product to complete said financial transaction, wherein said steps of making, processing and activating are all conducted by an applicant through a global communications network,

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(Luchs, Fig. 1, 2A-C; col. 2, line 21-col. 4, line 59) (disclosing a remote office online rate quote, underwriter approval and issuance of policy).

Luchs fails to disclose the following claim limitations rendered obvious by reference to Bauer:

processing said application for approval during a single visit to said website, (Bauer, Abstract; Fig. 3, 5, ¶ 4, 5); and

wherein the processing of said application includes determining the eligibility of the applicant for said financial product, (Bauer, Abstract; Fig. 3, 5, ¶ 4, 5).

It would have been obvious to one of ordinary skill in the art to combine Luchs and Bauer. The motivation would have been to obviate representative involvement in the interfacing and communicating of policy changes, (Bauer, ¶ 4).

3. As per claim 3, Luchs discloses a method wherein said financial product comprises an insurance policy, and wherein said financial transaction comprises selling and buying said insurance policy, (Luchs, col. 2, line 21-col. 4, line 59).

The motivation to combine Luchs and Bauer is as provided in the rejection of claim 1 and incorporated herein by reference.

4. As per claim 4, Luchs discloses a method wherein said activating step comprises providing coverage under said insurance policy, (Luchs, col. 2, line 21-col. 4, line 59).

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The motivation to combine Luchs and Bauer is as provided in the rejection of claim 1 and incorporated herein by reference.

5. As per claim 8, Luchs discloses a method wherein said processing step is performed by a financial transaction service provider, and wherein said activating step is performed by a provider of said financial product, (Luchs, col. 2, line 21-col. 4, line 59) (disclosing processing by underwriter and policy issuance by insurance agent).

The motivation to combine Luchs and Bauer is as provided in the rejection of claim 1 and incorporated herein by reference.

6. As per claim 10, Luchs discloses a method for buying and selling an insurance policy, comprising:

making an application to purchase said insurance policy, (Luchs, Fig. 1; col. 2, line 21-col. 4, line 59) (disclosing an insurance policy product requiring issuance to be effective);

following approval of said application, providing coverage under said insurance policy, wherein said steps of making, processing and providing coverage are all conducted through a global communications network, (Luchs, Fig. 1; col. 2, line 21-col. 4, line 59) (disclosing a remote office online rate quote, underwriter approval and issuance of policy).

Luchs fails to disclose the following claim limitations rendered obvious by reference to Bauer:

processing said application for approval during a single visit to said website,
(Bauer, Abstract; Fig. 3, 5, ¶ 4, 5); and

wherein the processing of said application includes determining the eligibility of
the applicant for said financial product, (Bauer, Abstract; Fig. 3, 5, ¶ 4, 5).

The motivation to combine Luchs and Bauer is as provided in the rejection of
claim 1 and incorporated herein by reference.

7. As per claim 15, Luchs discloses a method wherein said processing step is
performed by a financial transaction service provider, and wherein said providing
coverage step is performed by a provider of said insurance policy, (Luchs, col. 2, line
21-col. 4, line 59) (disclosing processing by underwriter and policy issuance by
insurance agent).

The motivation to combine Luchs and Bauer is as provided in the rejection of
claim 1 and incorporated herein by reference.

8. As per claim 16, Luchs discloses a system for conducting a financial transaction
through a global communications network, comprising:

a first interface for receiving an application from an applicant through the global
communications network for acquisition of a financial product that requires activation to
become effective, (Luchs, Fig. 1; col. 2, line 21-col. 4, line 59);

if said application is approved, a second interface for routing application
information to a provider of said financial product through the global communications

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network to obtain substantially immediate activation of said financial product by said provider, (Luchs, Figs. 2A-F; col. 2, line 21-col. 4, line 59).

Luchs fails to disclose the following claim limitations rendered obvious by reference to Bauer:

a processor for processing said application for approval during a single visit to said website, wherein the processing of said application includes determining the eligibility of the applicant for said financial product, (Bauer, Abstract; Fig. 3, 5, ¶ 4, 5).

The motivation to combine Luchs and Bauer is as provided in the rejection of claim 1 and incorporated herein by reference.

9. As per claim 17, Luchs discloses a system wherein said financial product comprises an insurance policy, and wherein said financial transaction comprises selling and buying said insurance policy, (Luchs, Fig. 1; col. 2, line 21-col. 4, line 59).

The motivation to combine Luchs and Bauer is as provided in the rejection of claim 1 and incorporated herein by reference.

10. As per claims 2 and 11, Luchs fails to disclose a method further including the step of paying for said financial product prior to said activating step. However, such a step is obvious in view of Bauer (Bauer, ¶ 6) (disclosing automatic online payment system that could require a payment prior to issuance of policy).

It would be obvious to one of ordinary skill in the art to combine Luchs and Bauer in order to require a payment prior to policy issuance. The motivation would be to obtain

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payment immediately.

11. As per claims 6 and 13, Luchs fails to disclose a method wherein said global communications network comprises a world wide web. However, such a method is well-known in the art as evidenced by Bauer, (Bauer, Abstract).

It would be obvious to one of ordinary skill in the art to combine Luchs and Bauer in order to utilize the World Wide Web. The motivation would be to allow customers to access the system from a remote location.

12. As per claim 9, Luchs fails to disclose a method wherein said processing and activating steps are performed by the same entity. However, such a method is well known in the art as evidenced by Bauer, (Bauer, Abstract, ¶ 1-4).

It would have been obvious to one of ordinary skill in the art to combine Luchs and Bauer. The motivation would have been to reduce costs, (Bauer, ¶ 1-4).

13. As per claim 19, Luchs fails to disclose a system wherein said system is operated by a financial transaction service provider that comprises a different entity than said provider of said financial product, (Bauer, Abstract, ¶ 1-4) (disclosing that involving multiple entities in an insurance transaction is well-known in the art, but that it is more cost efficient to utilize a single entity to complete the transaction).

The statement of obviousness and motivation to combine is as provided in the rejection of claim 9 and incorporated herein by reference.

14. As per claim 20, Luchs discloses a system wherein said global communications network comprises a world wide web, and wherein said first and second interfaces comprise Internet connections through said world wide web, (Luchs, Fig. 1, 2A-F).

The statement of obviousness and motivation to combine is as provided in the rejection of claim 9 and incorporated herein by reference.

15. As per claims 21-23, Luchs discloses a system and method wherein said insurance policy is a new insurance policy, (Luchs, FIGS. 10A-10H) (depicting, in seriatim the series of display screens which appear when an agent chooses to create a home policy for a new client).

16. Claims 5, 12, 18 are rejected under 35 U.S.C. 103(a) as being anticipated by Luchs et al., (U.S. 4,831,526) in view of Bauer et al., (U.S. 2002/0116228), and further in view of Christie et al., (5,819,230).

17. As per claim 5, The collective system of Luchs and Bauer fails to disclose a method wherein said insurance policy comprises a life insurance policy. However, life insurance is well known in the art as evidenced by Christie, (Christie, Abstract).

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The motivation to combine Luchs and Bauer is as provided in the rejection of claim 1 and incorporated herein by reference.

It would have been obvious to one of ordinary skill in the art to combine Luchs and Christie. The motivation would have been to provide life insurance to a remote client on-line, (Luchs, Fig. 1).

18. As per claim 12, The collective system of Luchs and Bauer fails to disclose a method wherein said insurance policy comprises a life insurance policy, However, life insurance is well known in the art as evidenced by Christie, (Christie, Abstract).

The statement of obviousness and motivation to combine is as provided in the rejection of claim 5 and incorporated herein by reference.

19. As per claim 18, The collective system of Luchs and Bauer fails to disclose a method wherein wherein said insurance policy comprises a life insurance policy, and wherein said activation comprises providing coverage under said policy, However, life insurance is well known in the art as evidenced by Christie, (Christie, Abstract).

The statement of obviousness and motivation to combine is as provided in the rejection of claim 5 and incorporated herein by reference.

Response to Arguments

Applicant's arguments filed 4/18/2007 have been fully considered but they are not persuasive for the following reasons:

As per applicant's argument that the combination of Luchs and Bauer fails to teach a system and method processing said application for approval during a single visit to said website, wherein said processing of said application includes determining the eligibility of the applicant for said financial product, it is submitted that the combination does in fact disclose such features. Applicant argues that Bauer is restricted to only making changes in existing policies. Assuming that Bauer does fail to disclose such a limitation, Applicant's arguments fail to address the fact that Luchs discloses approving a new insurance policy, although not in a single visit to a website. Bauer makes and incorporates policy changes, which includes approval for the changes, in a single visit to a website. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSG
6/30/2007

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